

Owens	Sanchez, Loretta	Taylor (MS)	Castle	Hyde	Porter	Lewis (GA)	Oberstar	Skelton
Pallone	Sanders	Thompson (CA)	Chabot	Isakson	Portman	Lipinski	Obey	Slaughter
Pascarell	Sandlin	Thompson (MS)	Chocola	Issa	Pryce (OH)	Lofgren	Oliver	Smith (WA)
Pastor	Schakowsky	Tierney	Coble	Istook	Putnam	Lowey	Ortiz	Snyder
Payne	Schiff	Towns	Cole	Jenkins	Quinn	Lucas (KY)	Owens	Solis
Pelosi	Scott (GA)	Turner (TX)	Collins	Johnson (CT)	Radanovich	Lynch	Pallone	Spratt
Peterson (MN)	Scott (VA)	Udall (CO)	Cox	Johnson (IL)	Ramstad	Majette	Pascarell	Stark
Pomeroy	Serrano	Udall (NM)	Crane	Johnson, Sam	Regula	Maloney	Pastor	Stenholm
Price (NC)	Sherman	Van Hollen	Crenshaw	Jones (NC)	Rehberg	Markey	Payne	Strickland
Rahall	Skelton	Velázquez	Cubin	Keller	Renzi	Marshall	Pelosi	Stupak
Rangel	Slaughter	Visclosky	Culberson	Kelly	Reynolds	Matheson	Peterson (MN)	Tanner
Rodriguez	Smith (WA)	Waters	Cunningham	Kennedy (MN)	Rogers (AL)	Matsui	Pomeroy	Tauscher
Ross	Snyder	Watson	Davis, Jo Ann	King (IA)	Rogers (KY)	McCarthy (MO)	Price (NC)	Taylor (MS)
Rothman	Solis	Watt	Davis, Tom	King (NY)	Rogers (MI)	McCarthy (NY)	Rahall	Thompson (CA)
Roybal-Allard	Spratt	Waxman	Deal (GA)	Kingston	Rohrabacher	McCollum	Rangel	Thompson (MS)
Ruppersberger	Stark	Weiner	DeLay	Kirk	Ros-Lehtinen	McDermott	Rodriguez	Tierney
Rush	Stenholm	Wexler	Diaz-Balart, L.	Kline	Royce	McGovern	Ross	Towns
Ryan (OH)	Strickland	Woolsey	Diaz-Balart, M.	Knollenberg	Ryan (WI)	McIntyre	Rothman	Turner (TX)
Sabo	Stupak	Wu	Doolittle	Kolbe	Ryun (KS)	Meehan	Roybal-Allard	Udall (CO)
Sánchez, Linda	Tanner	Wynn	Dreier	LaHood	Saxton	Meek (FL)	Ruppersberger	Udall (NM)
T.	Tauscher		Duncan	Latham	Schrock	Meeks (NY)	Rush	Van Hollen

## NOT VOTING—9

Burton (IN)	DeMint	McNulty
Davis (FL)	Gallegly	Reyes
DeFazio	John	Tauzin

□ 1230

Messrs. WYNN, JENKINS, DOGGETT and RUSH changed their vote from “yea” to “nay.”

Mr. SOUDER changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4279, PROVIDING FOR DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS; H.R. 4280, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004; AND H.R. 4281, SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on House Resolution 638 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 202, not voting 9, as follows:

[Roll No. 157]

YEAS—222

Aderholt	Bishop (UT)	Brown-Waite,
Akin	Blackburn	Ginny
Bachus	Blunt	Burgess
Baker	Boehert	Burns
Ballenger	Boehner	Burr
Barrett (SC)	Bonilla	Burton (IN)
Bartlett (MD)	Bonner	Buyer
Barton (TX)	Bono	Calvert
Bass	Boozman	Camp
Beauprez	Bradley (NH)	Cannon
Bereuter	Brady (TX)	Cantor
Biggert	Brown (SC)	Capito
Bilirakis		Carter

Castell	Hyde	Porter	Lewis (GA)	Oberstar	Skelton
Chabot	Isakson	Portman	Lipinski	Obey	Slaughter
Chocola	Issa	Pryce (OH)	Lofgren	Oliver	Smith (WA)
Coble	Istook	Putnam	Lowey	Ortiz	Snyder
Cole	Jenkins	Quinn	Lucas (KY)	Owens	Solis
Collins	Johnson (CT)	Radanovich	Lynch	Pallone	Spratt
Cox	Johnson (IL)	Ramstad	Majette	Pascarell	Stark
Crane	Johnson, Sam	Regula	Maloney	Pastor	Stenholm
Crenshaw	Jones (NC)	Rehberg	Markey	Payne	Strickland
Cubin	Keller	Renzi	Marshall	Pelosi	Stupak
Culberson	Kelly	Reynolds	Matheson	Peterson (MN)	Tanner
Cunningham	Kennedy (MN)	Rogers (AL)	Matsui	Pomeroy	Tauscher
Davis, Jo Ann	King (IA)	Rogers (KY)	McCarthy (MO)	Price (NC)	Taylor (MS)
Davis, Tom	King (NY)	Rogers (MI)	McCarthy (NY)	Rahall	Thompson (CA)
Deal (GA)	Kingston	Rohrabacher	McCollum	Rangel	Thompson (MS)
DeLay	Kirk	Ros-Lehtinen	McDermott	Rodriguez	Tierney
Diaz-Balart, L.	Kline	Royce	McGovern	Ross	Towns
Diaz-Balart, M.	Knollenberg	Ryan (WI)	McIntyre	Rothman	Turner (TX)
Doolittle	Kolbe	Ryun (KS)	Meehan	Roybal-Allard	Udall (CO)
Dreier	LaHood	Saxton	Meek (FL)	Ruppersberger	Udall (NM)
Duncan	Latham	Schrock	Meeks (NY)	Rush	Van Hollen
Ehlers	LaTourrette	Sensenbrenner	Menendez	Ryan (OH)	Velázquez
English	Leach	Sessions	Michaud	Sabo	Visclosky
Everett	Lewis (CA)	Shadegg	Millender-	Sánchez, Linda	Waters
Feeney	Lewis (KY)	Shaw	McDonald	T.	Watson
Ferguson	Linder	Shays	Miller (NC)	Sanchez, Loretta	Watt
Flake	LoBiondo	Sherwood	Miller, George	Sanders	Waxman
Foley	Lucas (OK)	Shimkus	Mollohan	Sandlin	Weiner
Forbes	Manzullo	Shuster	Moore	Schakowsky	Wexler
Fossella	McCotter	Simpsons	Moran (VA)	Schiff	Woolsey
Franks (AZ)	McCrery	Simpson	Murtha	Scott (GA)	Wynn
Frelinghuysen	McHugh	Smith (MI)	Nadler	Scott (VA)	
Garrett (NJ)	McInnis	Smith (NJ)	Napolitano	Serrano	
Gerlach	McKeon	Smith (TX)	Neal (MA)	Sherman	
Gibbons	Mica	Souder			
Gilchrest	Miller (FL)	Stearns	Cooper	Emerson	Reyes
Gillmor	Miller (MI)	Sullivan	Davis (FL)	Gallegly	Tauzin
Gingrey	Miller, Gary	Sweeney	DeMint	McNulty	Tiahrt
Goode	Moran (KS)	Tancred			
Goodlatte	Murphy	Taylor (NC)			
Goss	Musgrave	Terry			
Granger	Myrick	Thomas			
Graves	Nethercutt	Thornberry			
Green (WI)	Neugebauer	Tiberi			
Greenwood	Ney	Toomey			
Gutknecht	Northup	Turner (OH)			
Hall	Norwood	Upton			
Harris	Nunes	Vitter			
Hart	Nussle	Walden (OR)			
Hastings (WA)	Osborne	Walsh			
Hayes	Ose	Wamp			
Hayworth	Otter	Weldon (FL)			
Hefley	Oxley	Weldon (PA)			
Hensarling	Paul	Weller			
Herger	Pearce	Whitfield			
Hobson	Pence	Wicker			
Hoekstra	Peterson (PA)	Wilson (NM)			
Hottel	Petri	Wilson (SC)			
Houghton	Pickering	Wolf			
Hulshof	Pitts	Young (AK)			
Hunter	Platts	Young (FL)			
	Pombo				

## NAYS—202

Abercrombie	Cramer	Harman
Ackerman	Crowley	Hastings (FL)
Alexander	Cummings	Hill
Allen	Davis (AL)	Hinchey
Andrews	Davis (CA)	Hinojosa
Baca	Davis (IL)	Hoeffel
Baird	Davis (TN)	Holden
Baldwin	DeFazio	Holt
Ballance	DeGette	Honda
Becerra	Delahunt	Hooley (OR)
Bell	DeLauro	Hoyer
Berkley	Deutsch	Inslee
Berman	Dicks	Israel
Berry	Dingell	Jackson (IL)
Bishop (GA)	Doggett	Jackson-Lee
Bishop (NY)	Dooley (CA)	(TX)
Blumenauer	Doyle	Jefferson
Boswell	Edwards	John
Boucher	Emanuel	Johnson, E. B.
Boyd	Engel	Jones (OH)
Brady (PA)	Eshoo	Kanjorski
Brown (OH)	Etheridge	Kaptur
Brown, Corrine	Evans	Kennedy (RI)
Capps	Farr	Kildee
Capuano	Fattah	Kilpatrick
Cardin	Filner	Kind
Cardoza	Ford	Kleczka
Carson (IN)	Frank (MA)	Kucinich
Carson (OK)	Frost	Lampson
Case	Gephardt	Langevin
Chandler	Gonzalez	Lantos
Clay	Gordon	Larsen (WA)
Clyburn	Green (TX)	Larson (CT)
Conyers	Grijalva	Lee
Costello	Gutierrez	Levin

## NOT VOTING—9

Cooper	Emerson	Reyes
Davis (FL)	Gallegly	Tauzin
DeMint	McNulty	Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). There are 2 minutes remaining in this vote.

□ 1238

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the “ayes” appeared to have it.

## RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 203, not voting 6, as follows:

[Roll No. 158]

AYES—224

Aderholt	Burgess	Diaz-Balart, L.
Akin	Burns	Diaz-Balart, M.
Bachus	Burr	Doolittle
Baker	Burton (IN)	Dreier
Ballenger	Buyer	Duncan
Barrett (SC)	Calvert	Ehlers
Bartlett (MD)	Camp	Emerson
Barton (TX)	Cannon	English
Bass	Cantor	Everett
Beauprez	Capito	Feeney
Bereuter	Carter	Ferguson
Biggert	Castle	Flake
Bilirakis	Chabot	Foley
Bishop (UT)	Chocola	Forbes
Blackburn	Coble	Fossella
Blunt	Cole	Franks (AZ)
Boehert	Collins	Frelinghuysen
Boehner	Cox	Gallegly
Bonilla	Crane	Garrett (NJ)
Bonner	Crenshaw	Gerlach
Bono	Cubin	Gibbons
Boozman	Culberson	Gilchrest
Bradley (NH)	Cunningham	Gillmor
Brady (TX)	Davis, Jo Ann	Gingrey
Brown (SC)	Davis, Tom	Goode
Brown-Waite,	Deal (GA)	Goodlatte
Ginny	DeLay	Goss

Granger  
Graves  
Green (WI)  
Greenwood  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo

McCotter  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy  
Muscgrave  
Myrick  
Nethercutt  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Porter  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schrook  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Toomey  
Turner (OH)  
Porter  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

Pascarell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta

Sanders  
Sandlin  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skeltton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher

Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

## NOT VOTING—6

DeMint  
Dunn

Gutknecht  
McNulty

Reyes  
Tauzin

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1245

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. GEORGE MILLER of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

□ 1245

## MOTION TO TABLE OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. DELAY moves that the motion to instruct be laid on the table.

## PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) will state it.

Mr. GEORGE MILLER of California. Mr. Speaker, if a motion to table this motion on overtime pay prevails, will it have the effect of prohibiting the House Members from even discussing the administration's overtime pay rules at this time?

The SPEAKER pro tempore. The motion will not be before the House if the motion is tabled.

Mr. GEORGE MILLER of California. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEORGE MILLER of California. Mr. Speaker, so to be clear, that means that the body will not be debating overtime pay today; is that the impact of the motion to table, to deny us a vote on the overtime pay?

The SPEAKER pro tempore. If the motion to table were adopted, the motion of the gentleman from California (Mr. GEORGE MILLER) would not be before the House.

The question is on the motion offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table the motion to instruct, if the motion to table is adopted, will be followed by a 5-minute vote on suspending the rules and adopting H. Res. 608.

The vote was taken by electronic device, and there were—ayes 222, noes 205, not voting 6, as follows:

[Roll No. 159]

## AYES—222

Aderholt	Carter	Gibbons
Akin	Castle	Gilchrest
Bachus	Chabot	Gillmor
Baker	Chocola	Gingrey
Ballenger	Coble	Goode
Barrett (SC)	Cole	Goodlatte
Bartlett (MD)	Collins	Goss
Barton (TX)	Cox	Granger
Bass	Crane	Graves
Beauprez	Crenshaw	Green (WI)
Bereuter	Cubin	Greenwood
Biggert	Culberson	Gutknecht
Bilirakis	Cunningham	Hall
Bishop (UT)	Davis, Jo Ann	Harris
Blackburn	Davis, Tom	Hart
Blunt	Deal (GA)	Hastings (WA)
Boehlert	DeLay	Hayes
Boehner	Diaz-Balart, L.	Hayworth
Bonilla	Diaz-Balart, M.	Hefley
Bonner	Doolittle	Hensarling
Bono	Dreier	Herger
Boozman	Duncan	Hobson
Bradley (NH)	Dunn	Hoekstra
Brady (TX)	Ehlers	Hostettler
Brown (SC)	Emerson	Houghton
Brown-Waite,	Everett	Hulshof
Ginny	Feeney	Hunter
Burgess	Ferguson	Hyde
Burns	Flake	Isakson
Burr	Foley	Issa
Burton (IN)	Forbes	Istook
Buyer	Fossella	Jenkins
Calvert	Franks (AZ)	Johnson (CT)
Camp	Frelinghuysen	Johnson, Sam
Cannon	Galleghy	Jones (NC)
Cantor	Garrett (NJ)	Keller
Capito	Gerlach	Kelly

## NOES—203

Abercrombie  
Ackerman  
Alexander  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Ballance  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Case  
Chandler  
Clay  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
DeLahunt  
DeLauro  
Deutsch

Dicks  
Dingell  
Doggett  
Allen  
Doyle  
Edwards  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank (MA)  
Frost  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Grijalva  
Gutierrez  
Harman  
Hastings (FL)  
Hill  
Hinchey  
Hinojosa  
Hoefel  
Holden  
Holt  
Honda  
Hooley (OR)  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind

Klecza  
Kucinich  
Lampson  
Langevin  
Lantos  
Edwards  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Miller-ender  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone